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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,490	02/11/2000	Christopher Scott Weber	07099.0773	5232

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EXAMINER

KAZIMI, HANI M

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/502,490	WEBER, CHRISTOPHER SCOTT
Examiner	Art Unit	
Hani Kazimi	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 04 May 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 11-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 11-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 11 February 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This communication is in response to Applicant's preliminary amendment filed on May 4, 2002. The objections and rejections cited are as stated below:

### *Status of Claims*

2. Of the original claims 1-10, claims 1-7 have been canceled without prejudice in the request for filing a continuation. In the preliminary amendment filed on May 4, 2002, claims 8-10 have been canceled without prejudice, and claims 12-14 have been added. However, since the original claims were 1-10, the added claims 12-14 have been renumbered as 11-13 according to 37 C.F.R. 1.126. Therefore, claims 11-13 are under prosecution in this application.

### *Summary of Office Action*

3. Applicants' amendment filed on May 4, 2002 have been fully considered, and discussed in the next section below or within the following rejection under 35 U.S.C. § 103 are not deemed to be persuasive. Therefore, claims 11-13 are rejected under 35 U.S.C. § 103 as being unpatentable over the art cited below, and Applicants' request for allowance is respectfully denied.

### *Specification*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to support the subject matter set forth in the claims. The specification, as originally filed does not provide support for the invention as now claimed.

The test to be applied under the written description portion of 35 U.S.C. § 112, first paragraph, is whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession at that time of later claimed subject matter. Vas-Cat, Inc. v. Mahurkar, 935 F. 2d 1555, 1565, 19 USPQ2d 111, 1118 (Fed. Cir. 1991), reh'rg denied (Fed. Cir. July 8, 1991) and reh'rg, en banc, denied (Fed. Cir. July 29, 1991).

Claims 11-13 include the use of a signal conversion database, and the limitations (e-g) of claim 11, and the detailed steps of claims 12, and 13. However, the specification does not provide an enabling disclosure to support these claimed steps. For example, even though, page 5, lines 15-16 of the specification state that “It should be noted that this information is the most current and comprehensive information that can be obtained about a particular flight.”, the specification has no support in explaining how the verification steps are performed as claimed in claims 11, and 13. Also, having a copy of the source code in the specification does not describe in details the steps of the claimed subject matter mentioned above.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 11-13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, claims 11-13 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification. For further examination of the claimed subject matter the claims are interpreted in light of the 112 1st rejection.

8. The disclosure is objected to because of the following informalities:

Appendix: 37 CFR 1.96 deals with appendices in Patent Applications and reads:

**37 CFR 1.96 - Submission of computer program listings.**

*Material which will be printed in the patent.* If the computer program listing is contained on 10 printout pages or less, it must be submitted either as drawings or as part of the specification.

*As an appendix which will not be printed.* If a computer program listing printout is 11 or more pages long, applicants May submit such listing in the form of microfiche, referred to in the

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specification (see § 1.77(c)(2)). Such microfiche filed with a patent application is to be referred to as a microfiche appendix. The microfiche appendix will not be part of the printed patent.

Reference in the application to the microfiche appendix should be made at the beginning of the specification at the location indicated in § 1.77(c)(2). Any amendments thereto must be made by way of revised microfiche.

*Availability of appendix.* Such computer program listings on microfiche will be available to the public for inspection, and microfiche copies thereof will be available for purchase with the file wrapper and contents, after a patent based on such an application is granted or the application is otherwise made publicly available.

*Submission requirements.* Except as modified or clarified in this paragraph (c)(2), computer - generated information submitted as a "microfiche appendix" to an application shall be in accordance with the standards set forth in 36 CFR Part 1230 (Micrographics).

### *Claim Objections*

9. Claims 11-13 are objected to because of the following informalities:

In particular, claim 11 repeats limitation b) "retrieving flight information from the signal conversion database;" on page 2 of the preliminary amendment filed on May 4, 2002. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

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rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

12. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson, Jr. et al. US Pat. No. 5,652,785 (hereinafter) "Richardson".

Claims 11-13, Richardson teaches a computer-readable medium containing instructions for controlling a data processing system to perform a method for audible announcement generation, the method comprising the steps of, storing flight information in a database, retrieving flight information from the database, storing retrieved flight information into a desired sequence, articulating sequenced flight information, articulating standardized opening messages, and determining an end program sequence termination request by determining whether a designated key has been depressed, and terminating performance of the method based on determination that

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the designated key has been depressed (Figs. 6-8, abstract, column 4, lines 34-41, and column 10, line 51 thru column 14, line 31).

Richardson fails to teach the step of verifying that the flight information is current before storing the flight information in the database.

Official Notice is taken that verifying that data is current before storing the data in a database is old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time the Applicant's invention was made to modify the teachings of Richardson to include the step of verifying that the flight information is current before storing the flight information in the database, because it greatly improves the efficiency of the system by providing the user with up to date information, since Richardson is concerned with offering the user with airline flight information as an audio response service (column 4, lines 34-41).

### *Conclusion*

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (703) 305-1061. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687 or 7658.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 1114.

Respectfully Submitted



Hani.Kazimi

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July 15, 2002